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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,272	11/09/2001	Janne U. Aaltonen	324-010609-US(PAR)	6834
2512	7590	09/14/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			NGUYEN, HAO X	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

<b>Office Action Summary</b>	<b>Application No.</b> 10/037,272	<b>Applicant(s)</b> AALTONEN, JANNE U.	
	<b>Examiner</b> Hao X. Nguyen	<b>Art Unit</b> 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102 (e) as being anticipated by Forslow (US Pub. No. 2003/0039237 A1).

In regards to claims 1 and 7,

Referring to Figure 2, Forslow discloses a network architecture that includes a circuit-switched network 35, a packet-switched network 51, and a

mobile host 12 supporting both a circuit-switched network 35 and a packet-switched network 51 (paragraph [0009]; claims 1 and 7 - a telecommunication system comprising a first network offering circuit-switched services, a second network offering packet-switched services, and at least one mobile station supporting the first and the second network),

Forslow also discloses a mobile station that initiates a packet data protocol (PDP) context activation to register with a mobile communications system and begin a data session. A Home Location Register 42 (HLR) stores a PDP context that uniquely identifies the mobile station and its quality of service parameters. Based on the requested quality of service for a non-real time service, a packet-switched bearer is selected to carry that specific application flow (Figure 2; paragraphs [0011], [0025], [0030], [0054], and [0097]; claims 1 and 7 - checking, in response to the need to transmit at least one message, if the mobile station is attached to the second network).

Forslow also discloses when a mobile station is attached to the packet-switched network, the mobile station's subscription record is retrieved from the HLR. Based on this record, a communication is established between the mobile host and an external network identity like an ISP 58 via the packet-switched network. Data packets are then routed back and forth between the mobile station and end systems at the ISP (Figure 2; paragraphs [0050] and [0051]; claims 1 and 7 - transmitting said at least one message to the second network in response the mobile station being attached to the second network).

Referring to Figures 8 and 9, Forslow discloses a class A mobile that can make and/or receive traffic on both circuit-switched and packet-switched bearers simultaneously. If an application cannot be transmitted via a packet-switched network due to an unacceptable delay, the mapper 128 decides this application reservation request to be mapped to a circuit-switched mobile communications bearer (paragraphs [0070], [0082] and [0083]; claims 1 and 7 - transmitting said at least one message to the first network in response to failure to transmit the message via the second network).

In regards to claims 2 and 8,

Referring Figure 9, Forslow discloses a gateway GPRS Support Node (GGSN) that forwards a non-real time IP packets along an already established circuit-switched bearer because a packet-switched bearer is not established and a class B mobile can only support one type of bearer at one time (paragraphs [0012], [0026], [0083], and [0091]; claims 2 and 8 – said message is transmitted via the first network in response to non-attachment to the second network).

In regards to claim 3,

Forslow discloses a class B mobile that supports simultaneous activation and monitoring of circuit-switched and packet-switched services but can only send or receive traffic responding to application flows one type of bearer at one time. This mobile station has to release the packet-switched bearer before it can transmit real-time IP packets via a circuit-switched network (paragraphs [0083] and [0092]; claim 3 - suspending packet-switched service in the second network

before transmitting said message to the first network). If a next IP packet is a non-time sensitive packet, the mapper 128 will decide an application reservation request to be mapped to a packet-switched mobile communications bearer (Figure 9; paragraphs [0082]; claim 3 - and continuing offering the packet-switched service after transmission of said message at the request of the first network or the mobile station).

In regards to claim 4,

Referring to Figure 2, Forslow discloses a first network that is a GSM network and a second network that is a GPRS network (paragraphs [0003] and [0005]; claim 4 - the first network is a GSM network and the second network is a GPRS network).

In regards to claim 5,

Referring to Figure 2, Forslow discloses a GPRS (packet-switched) network that supports packet-switches applications like short message exchange, downloaded graphics files from a web site, and e-mail (paragraphs [0003], [0015], and [0022]; claim 5 – said message is a text-based short message of a short message service SMS or a picture message).

In regards to claim 6,

Referring to Figure 2, Forslow discloses a HLR 42 that stores subscription records including subscribed quality of service profiles/parameters. Based on the quality of service for a specific application of flow, an optimal one of a circuit-switched and a packet-switched bearer is selected to carry that specific

application flow. A common access server of a gateway node permits a mobile station to establish communications with an external network entity using the optimal bearer (Figures 4, block 64; paragraphs [0029], [0050] and [0054]; claim 6 - the user of the mobile station is offered the option to choose whether the messages are transmitted via the first network or the second network, and the messages are transmitted in accordance with the user's choice).

In regards to claim 9,

Forslow discloses quality of service characteristics for an application flow and a type of bearer/transfer mechanism (circuit-switched or packet-switched bearer) can be selected at the application layer. Based on the quality of service for a specific application of flow, an optimal one of a circuit-switched and a packet-switched bearer is selected to carry that specific application flow. A common access server of a gateway node permits a mobile station to establish communications with an external network entity using the optimal bearer (paragraphs [0027], [0028] and [0029]; claim 9 - the mobile station's user interface (UI) is configured to display a menu offering the user of the mobile station the option to choose whether messages are transmitted via the first network or the second network, and said message means are configured to transmit the messages in accordance with the user's choice).

In regards to claim 10,

Referring to Figure 2, Forslow discloses a first network that is a GSM network and a second network that is a GPRS network (paragraphs [0003] and

[0005]; claim 4 - the first network is a GSM network and the second network is a GPRS network).

Referring to Figure 2, Forslow discloses a GPRS (packet-switched) network that supports packet-switches applications like short message exchange (paragraph [0003]; claim 10 – said message is a short message of a short message service SMS).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arango (US Pat. No. 5,732,078) discloses On-Demand Guaranteed Bandwidth Service For Internet Access Points Using Supplemental User-Allocatable Bandwidth Network.

Hansson et al. (US Pat. No. 6,678,524 B1) disclose Bearer Selection In A Mobile Communication System Having Both Circuit-Switched And Packet-Switched Bearers.

Ono, T. and Tanaka, T. discloses The Proposal Of Wireless Multimedia Communication System With Integration Of Packet-Switched And Circuit-Switched Channels. Global Telecommunications Conference, 1998. IEEE, Volume 1, 8-12 Nov. 1998 Pages: 120-125 vol. 1.




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hao X. Nguyen whose telephone number is 571-272-8195. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-8195. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hao X. Nguyen  
Examiner  
Art Unit 2662



**JOHN PEZZLO**  
**PRIMARY EXAMINER**